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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,639	12/08/2003	Gary Sherrell	2230-1-3	2949

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EXAMINER

MAI, TRI M

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3781

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/730,639	Applicant(s) SHERRELL ET AL.	
	Examiner Tri M. Mai	Art Unit 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1. Claims 7-12 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Latshaw in view of Tiramani et al. (6469311), and further in view of Metten (6997 274) and Kjose (4657135). Latshaw teaches a travel case having two edge wheels 31 and 32, a handle, an extendable support and a wheel end to a side of the travel case. Latshaw meets all claimed limitations except for the swiveling caster wheel. Tiramani teaches that it is known in the art to provide swiveling caster wheel. It would have been obvious for one of ordinary skill in the art to provide swiveling caster wheels to enable one to transport the device easily.

Regarding claim 8, it would have been obvious for one of ordinary skill in the art to provide the device from either soft or hard as taught by Tiramani (col. 2, ln. 53-55) to provide the desired material for the luggage.

With respect to the horizontal being less than 40 degrees, Metten teaches that it is known in the art to transport a golf cart at an angle about 30 degrees and less. Furthermore, Kjose teaches that it is known in the art to transport the device at 0 degrees (horizontal with the surface). Thus, it would have been obvious for one of ordinary skill in the art provide the device at the angle as claimed to provide the angle for transporting the case.

2. Claims 7-12 are rejected under 35 U.S.C. 103 (a) as being unpatentable over the prior art disclosure from Seven Oars in view of either Tiramani et al. (6469311), and further in view of Metten (6997 274) and Kjose (4657135). Applicant provided prior art pictures showing a similar golf bag as Latshaw. It is noted that the device in this prior art has the same assignee as the device in Latshaw. The picture show the device at a relative smaller angle, and the wheels are not swiveling wheels. Tiramani teaches that it is known in the art to provide swiveling caster

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wheel. It would have been obvious for one of ordinary skill in the art to provide swiveling caster wheels (see fig. 18) to enable one to transport the device easily.

Either Tiramani teaches that it is known in the art to provide swiveling caster wheel. It would have been obvious for one of ordinary skill in the art to provide swiveling caster wheels to enable one to transport the device easily.

Regarding claim 8, it would have been obvious for one of ordinary skill in the art to provide the device from either soft or hard as taught by Tiramani (col. 2, ln. 53-55) to provide the desired material for the luggage.

With respect to the horizontal being less than 40 degrees, Metten teaches that it is known in the art to transport a golf cart at an angle about 30 degrees and less. Furthermore, KJose teaches that it is known in the art to transport the device at 0 degrees (horizontal with the surface). Thus, it would have been obvious for one of ordinary skill in the art provide the device at the angle as claimed to provide the angle for transporting the case.

3. Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scoglio (6634496) in view of Liang (5873439), and further in view of Tiramani. Scoglio teaches luggage having wheels at 30, a handle at 40. It would have been obvious to one of ordinary skill in the art to provide a support as taught by Liang to enable one to support the device in a tilt angle easily. Note that the device in Liang can support various angles as portion 30 is slidably adjustable along portion 71. With respect to the size of the case, it would have been obvious to one of ordinary skill in the art to provide the case of Scoglio being greater than 40 inches to provide the desired size for the container.

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With respect to the swiveling caster, Tiramani teaches that it is known in the art to provide swiveling caster wheels. It would have been obvious for one of ordinary skill in the art to provide swiveling caster wheels (see fig. 18). Furthermore, to provide two caster wheels would have been obvious to provide added structural support.

With respect to the handle, the handle in on one of the top surfaces as claimed. Furthermore, note that the handle meets the claimed limitation when it is retracted.

Regarding claim 8, it would have been obvious to one of ordinary skill in the art to make the device from either soft or hard as taught by Tiramani, col. 2, ln. 53-55) to provide the desire material for the luggage.

4. Applicant's arguments have been fully considered but they are not persuasive. As set forth above, the amended claim do not read over the prior art of record. Tiramani teaches that it is known in the art to provide swiveling wheels on a support panel. Thus, to provide swiveling wheels in either Liang or Latshaw would have been obvious.

With respect to the angle being less than 40 degrees it is noted that there are numerous prior art indicating the angles can be as small from 0 degrees (Kjose) to something like 30 degrees in Metten. Thus, it is obvious to provide an angle less than 40 degrees as claimed.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai
Primary Examiner
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